L-8J

Mr. Jan Utrecht, M.S.
Director, Environmental Health and Safety
University of Cincinnati
P.O. Box 210218
Cincinnati, Ohio 45221-0218

Re: Risk-Based PCB Cleanup and Disposal Approval – 40 CFR § 761.61(c) Morgens Hall
University of Cincinnati

Dear Mr. Utrecht:

This is in response to the University of Cincinnati Notification for approval of a proposed Polychlorinated Biphenyl (PCB) cleanup at the North Residential Area, Morgens Hall, on the University of Cincinnati campus in Cincinnati, Ohio dated August 10, 2011. The site contains PCB caulk that exceeds the allowable levels under the federal PCB regulations at 40 CFR § 761.20 and § 761.62. PCBs have also been identified in the adjacent building surface at levels exceeding the allowable PCB level for *unrestricted* use under 40 CFR § 761.61(a). The Notification describes the characterization data collected at the site and presents a proposed remedial plan for PCB Bulk Product Waste (original caulking) and PCB remediation waste (impacted building materials, and certain adjacent surfaces).

The University requested an approval to address PCB contamination at the site under 40 CFR § 761.61(c). The University is proposing the following activities under this project:

- Removal and off-site disposal of all exterior PCB caulk, including caulk with less than (<) 50 parts per million PCB in a TSCA Chemical Waste Landfill.

- Encapsulation of PCB-contaminated exterior concrete with 2 coats of an epoxy coating.

- Implementation of a long-term maintenance and monitoring program for the encapsulated areas.

- Recording of a deed notice to document the PCB concentrations at the site and the long-term maintenance and monitoring requirements.

Based on the EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61 and 761.62 for cleanup and disposal of PCB Remediation Waste and PCB Bulk Product Waste. EPA finds that the proposed encapsulation of PCB-contaminated concrete with an epoxy coating should effectively prevent direct exposure of these PCB surfaces to building users

and thus should be protective of human health and the environment. This approval is granted in accordance with the federal PCB regulations codified at 40 CFR § 761.61(c), under which the Regional Administrator may approve a method to dispose of PCB Remediation Waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment.

The University may proceed with its project in accordance with 40 CFR §§ 761.61 and 761.62, the Notification, and this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA reserves the right to require additional investigation or mitigation measures should the results of initial abatement work or ongoing monitoring results indicate that an unreasonable risk to building users remains following the abatement activities.

This Approval does not provide for cleanup and disposal of any PCB-contaminated soils. It is EPA's understanding that the University will investigate soils near Morgens Hall for PCB impacts and notify the Agency of the results.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Upon EPA receipt and review of the submittals, we may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

The University of Cincinnati is responsible for ensuring continued compliance with all applicable provisions of the Toxic Substances Control Act (TSCA), the federal PCB regulations, and the conditions of this Approval. Any departure from the conditions of this Approval or the Notification must receive prior written authorization from this office. Further, this Approval does not relieve the University of Cincinnati from compliance with any other federal, State, or local regulatory requirements. This Approval does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, suspension or termination of the Approval for any violation, or requiring additional cleanup should the University fail to abide by this Approval. All conditions of this Approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the Site after any transfer in ownership.

If you have any questions regarding this approval, please do not hesitate to call Peter Ramanauskas, of my staff, at (312) 886-7890.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure